

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAINON L. JONES,

Defendant.

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CASE NO. 4:17-cr-00524

OPINION & ORDER
[Resolving Docs. [97](#), [98](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Dainon L. Jones requests a reduced sentence under the compassionate release statute, 18 U.S.C. § 3582.¹ The Government opposes.²

For the following reasons, the Court **DENIES** Jones's motion.

I. Background

On February 8, 2018 Jones pleaded guilty to one count of drug conspiracy.³ On May 30, 2018, this Court sentenced Jones to 121 months of incarcerations and five years of supervised release.⁴

II. Discussion

On September 14, 2020, Jones moved for compassionate release.⁵ Jones seeks a sentence reduction due to certain health conditions that can increase his risk for serious illness if he contracts COVID-19.⁶

¹ Docs. [97](#), [98](#), [99](#), [103](#), [113](#).

² Docs. [106](#), [112](#).

³ Doc. [17](#).

⁴ Doc. [28](#).

⁵ Doc. [97](#).

⁶ *Id.* See also Doc. [103](#); Doc. [113](#).

Case No. 4:17-cr-00524
GWIN, J.

The Government opposes.⁷ The Government argues Jones has not established that extraordinary and compelling reasons warrant release. Moreover, the Government contends the § 3553 factors do not support a sentence reduction.⁸

A. Exhaustion

The Court may modify a defendant's sentence upon a motion from the defendant if the defendant filed the motion thirty or more days after the defendant sent a compassionate release request to their warden.⁹

The government concedes that Jones has satisfied the statutory exhaustion requirement.¹⁰

B. Eligibility

Generally, to grant compassionate release, a court must: (1) "find that extraordinary and compelling reasons warrant [a sentence] reduction,"¹¹ (2) "ensure that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission," and (3) "consider[] all relevant sentencing factors listed in 18 U.S.C. § 3553(a)."¹²

⁷ Doc. [106](#).

⁸ *Id.*

⁹ [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#); see also [United States v. Alam](#), 960 F.3d 831, 834–35 (6th Cir. 2020).

¹⁰ Doc. [106](#) at 2.

¹¹ "[I]n the absence of an applicable policy statement for inmate-filed compassionate-release motions, district courts have discretion to define 'extraordinary and compelling' on their own initiative." [U.S. v. Elias](#), 984 F.3d 516, 519–20 (6th Cir. 2021).

¹² *Id.* at 518. (citing [U.S. v. Jones](#), 980 F.3d 1098, 1111 (6th Cir. 2020) (citing [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#))) (internal quotation marks omitted).

Case No. 4:17-cr-00524
GWIN, J.

However, there are presently no applicable Sentencing Commission policy statements for inmate-filed compassionate release motions.¹³ Therefore, in cases, as here, where an inmate files a motion on their own behalf, the court “may skip step two.”¹⁴

In this case, the Court is not persuaded that extraordinary and compelling reasons justify early release. The Court acknowledges that Jones suffers from hypertension and moderate obesity,¹⁵ both of which can increase his risk for serious illness if he contracts COVID-19.¹⁶ But the risk of contracting COVID-19 at FCI Elkton, where Jones is housed, has decreased in recent weeks. Presently, there are no confirmed COVID-19 cases among inmates, and only one staff member currently has COVID-19.¹⁷ Moreover, FCI Elkton has fully vaccinated 940¹⁸ of its 1,397 inmates.¹⁹

Further, the § 3553 factors do not support compassionate release. Jones has a long criminal history²⁰ and the crime for which he is currently imprisoned was very serious.²¹ The sentence this Court imposed properly reflects the nature and seriousness of Jones’s offense and his criminal history.

¹³ See Elias, 984 F.3d at 519 (“[U.S.S.G.] § 1B1.13 is not an applicable policy statement for compassionate-release motions brought directly by inmates, and so district courts need not consider it when ruling on those motions.”); Jones, 980 F.3d at 1108 (stating that “[t]he Commission’s policy statement on compassionate release resides in U.S.S.G. § 1B1.13” but explaining that “§ 1B1.13 does not ‘appl[y]’ to cases where an imprisoned person files a motion for compassionate release.”).

¹⁴ Jones, 980 F.3d at 1111.

¹⁵ Doc. 103-2.

¹⁶ See Centers for Disease Control and Prevention, *Medical Conditions*, May. 13, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html> (last visited May 14, 2021).

¹⁷ See Federal Bureau of Prisons, COVID-19 Cases FCI Elkton, May 14, 2021, <https://www.bop.gov/coronavirus/> (last visited May 14, 2021).

¹⁸ See Federal Bureau of Prisons, COVID-19 Vaccine Implementation, May 14, 2021, <https://www.bop.gov/coronavirus/> (last visited May 14, 2021).

¹⁹ See Federal Bureau of Prisons, FCI Elkton, <https://www.bop.gov/locations/institutions/elk/> (last visited May 14, 2021).

²⁰ Doc. 106 at 15–16.

²¹ *Id.* at 14–15.

Case No. 4:17-cr-00524
GWIN, J.

III. Conclusion

For the foregoing reasons, the Court **DENIES** Jones's request for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

IT IS SO ORDERED.

Dated: May 17, 2021

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE